

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL LEE MYERS,

Plaintiff,

v.

GADDIS, et al.,

Defendants.

Civil Action No. 05-309 Erie

MEMORANDUM ORDER

This motion for leave to proceed *in forma pauperis* was received by the Clerk of Court on October 20, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 2], filed on October 21, 2005, recommended that the motion be denied and that the matter be dismissed without prejudice. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 3rd day of November, 2005;

IT IS HEREBY ORDERED that the Plaintiff's motion for leave to proceed *in forma pauperis* [Doc. No. 1] is DENIED, and the matter is DISMISSED without prejudice.

The Report and Recommendation [Doc. No. 2] of Magistrate Judge Baxter, filed on October 21, 2005, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge